



National Aeronautics and
Space Administration

MSFC-PLAN- ????

Baseline Issue
MM/DD/ YYYY

George C. Marshall Space Flight Center
Marshall Space Flight Center, Alabama 35812

PROGRAM / PROJECT NAME

EXPORT CONTROL

PLAN

(TEMPLATE)

(Your) Group / Department / Directorate

**CHECK THE MASTER LIST—
VERIFY THAT THIS IS THE CORRECT VERSION BEFORE USE**
MSFC - Form 454 (Rev. October 1992)

Program / Project/ Activity Organization		
Title: (Acronym) Export Control Plan	Document No.: MSFC-PLAN-???	Revision: Baseline
	Effective Date: MM/DD/YYYY	Page 2 of 16

PROGRAM / PROJECT / ACTIVITY EXPORT CONTROL PLAN

This Export Control Plan describes the approach and procedures to be utilized by “(your) Program / Project / Activity” in conducting their export control activities. This Plan complies with the guidelines provided in MPG 2190.1 “MSFC Export Control Program”.

Amendments or changes to the Appendices of this Plan can be approved by the Center Export Representative, “(your departments representative)”

Approved by:

Name	Date
Dept. Manager	

Name	Date
Center Export Representative	
(Your) Department	

Program / Project/ Activity Organization		
Title: (Acronym) Export Control Plan	Document No.: MSFC-PLAN-???	Revision: Baseline
	Effective Date: MM/DD/YYYY	Page 3 of 16

DOCUMENT HISTORY LOG

Status (Baseline/ Revision/ Canceled)	Document Revision	Effective Date	Description
			Baseline Release

Program / Project / Activity Organization		
Title: (Acronym) Export Control Plan	Document No.: MSFC-PLAN-	Revision: Baseline
	Effective Date:	Page 4 of 16

EXPORT CONTROL PLAN

TABLE OF CONTENTS

<u>PARAGRAPH</u>	<u>PAGE</u>
1.0 INTRODUCTION.....	5
1.1 Purpose.....	5
1.2 Applicability	5
1.3 Project Description.....	5
2.0 APPLICABLE DOCUMENTS.....	6
3.0 ACRONYMS/DEFINITIONS	6
4.0 EXPORT CONTROL APPROACH.....	7
4.1 Roles and Responsibilities	7
4.2 Export Control Guidelines	9
4.3 Export Control Procedures.....	9
4.3.1 Data Management	9
4.3.2 Data Export	9
4.3.3 Shipping of Project Hardware.....	10
4.4 ECIS Classification and Licenses	10
4.5 Documentation.....	10
APPENDIX A (Acronym i.e. QMI, SEE) Export Control Flow Diagram	11
APPENDIX B Planned Hardware, Software and Data Exports	12
APPENDIX C Export Destinations	13
APPENDIX D (Acronym) Project Controlled Items	14
APPENDIX E Acronyms	15

Program / Project/ Activity Organization		
Title: (Acronym) Export Control Plan	Document No.: MSFC-PLAN-???	Revision: Baseline
	Effective Date: MM/DD/YYYY	Page 5 of 16

PROGRAM / PROJECT (P /P)

EXPORT CONTROL PLAN

1.0 INTRODUCTION

1.1 Purpose. The purpose of the “ (your) Program / Project / Activity” Export Control Plan is to define the policies and procedures to be implemented by these projects to comply with International Traffic in Arms Regulations (ITAR), the Export Administration Regulations (EAR), and other export requirements by providing effective control of both data and hardware exports by project personnel. The plan meets the requirements of MPG 2190.1 “MSFC Export Control Program”.

1.2 Applicability. This Export Control Plan applies to all “(your) Program / Project” activities required to accomplish the project objectives which involve the transmittal of hardware, software, or technical information to destinations outside the United States, or to “Foreign Persons” within the United States. Hardware and software shipments, foreign visitor/workers control, technical publications as well as exports via U. S. Postal Service, fax, e-mail, hand carry, personal contacts, etc. will follow the requirements of the applicable Marshall Space Flight Center (MSFC) requirements and procedures (see MWI 6000.1, Procurement Traffic Management and Freight Traffic Actions, MPG 1371.1, Procedures and Guidelines for Processing Foreign Visitor Requests, and MMI 2220.1, Scientific and Technical Publications).

1.3 Project Description. -----

2.0 APPLICABLE DOCUMENTS

The latest revision of the following documents shall apply:

- a. MPG 2220.1 “Scientific and Technical Publications”
- b. MPG 1371.1 ... “Procedures and Guidelines for Processing Foreign Visitor Request”
- c. MPG 2190.1 “ MSFC Export Control Program”
- d. MWI 6000.1 “Procurement Traffic Management and Freight Traffic Actions”
- f. SSP 50223 “Space Station and Shuttle-MIR Export Control Program”
- g. NPG 7120.5.....”NASA Program and Project Management Processes and Requirements”

Program / Project/ Activity Organization		
Title: (Acronym) Export Control Plan	Document No.: MSFC-PLAN-???	Revision: Baseline
	Effective Date: MM/DD/YYYY	Page 6 of 16

3.0 ACRONYMS/DEFINITIONS

A list of acronyms used in this publication is provided in Appendix E.

Data – Spoken, written, or otherwise recorded information

Export – The shipment, transfer, or transmission of an item (i.e. hardware, software, technology or technical data, technical assistance) to a “FOREIGN PERSON” by any means, anywhere, anytime, or the knowledge that what you are transferring to a “US PERSON”, will be further transferred to a “FOREIGN PERSON”.

Exporter – The person responsible for the transfer of an export item

Transfer – Any method of conveying information, software, or hardware on the “XXX” project.

Center Export Administrator (CEA) - The individual appointed by the MSFC Center Director who shall:

- Serve as the Center resident authority on all matters related to export control and international technology transfer, and the principal Center point-of-contact with the Headquarters Export Administrator (HEA);
- As applicable, assist the International Space Station(ISS) Program in performing EAR-required audits and reviews of NASA contractors authorized to use the BXA-approved ISS Special Comprehensive License; and
- Maintain a reference library of relevant policies, regulations, international agreements, etc.

Center Export Representative (CER) – The individual appointed by each of the Center’s major organizations, to serve as the primary point-of-contact, to assist, monitor, and assure the appropriate implementation of NASA and/or MSFC policies and procedures for export control.

4.0 EXPORT CONTROL APPROACH

Export of project technical data and hardware will be required with foreign entities, such as ESA and its associated countries, in order to meet the objectives of the “(your) Program / Project /

Program / Project/ Activity Organization		
Title: (Acronym) Export Control Plan	Document No.: MSFC-PLAN-???	Revision: Baseline
	Effective Date: MM/DD/YYYY	Page 7 of 16

Activity”. Such exports are subject to U.S. export control laws (ITAR and EAR). These laws, however, recognize that some exports do not require a license because they are not subject to the Department of Defense United States Munitions List (USML), the Missile Technology Control Regime (MTCR), or the Department of Commerce Control List (CCL), because they are in the public domain, or because of either specific exceptions to the CCL, or specific exemptions to the USML. For this purpose the classification EAR 99 (no license required) has been established within the export control regulations. (If applicable) ...Since most of the anticipated “XXX” exports will involve only planning, interface definition, payload integration, safety, and general engineering topics, such exports could fall under the classification EAR 99, simplifying project procedures.

Under special, currently unforeseen, circumstances, information on topics that could conceivably be related to the applicable USML, MTCR, or CCL items (i.e. Spacecraft Systems and Missile Technology) may need to be exported. (If applicable) ...Potential “XXX” export sensitive topics related to such items are defined in Appendix D. Should such an occasion arise, the exporter will review the proposed export with his organizational CER, and the project manager if necessary, to determine whether a recommendation for an export license needs to be submitted to the CEA.

4.1 Roles and Responsibilities.

The “XXX” Project Manager shall be responsible for the following:

- a. Development and maintenance of the “XXX” Project Export Control Plan,
- b. Coordinating with (your) CER and the Center Export Administrator (CEA) in all issues involving “XXX” Export Control.
- c. Assuring that all project personnel and CERs are familiar with and properly implement the requirements of this plan, and arranging training where necessary.

The MSFC Organizational CERs shall be responsible for the following:

- a. Providing interpretation of the overall export control policies and guidelines to the “XXX” Project,
- b. Periodically reviewing the Export Control Plan to determine the need for any updates based on changes in export control regulations,
- c. Assisting in the preparation of and approval of MSFC Form 4312, Export Clearance Information Sheet, and providing an Export Classification as required for material to be exported,
- d. Making a determination if an export license is required on a proposed export action

Program / Project/ Activity Organization		
Title: (Acronym) Export Control Plan	Document No.: MSFC-PLAN-???	Revision: Baseline
	Effective Date: MM/DD/YYYY	Page 8 of 16

The “XXX” Lead Systems Engineer shall be responsible for the following:

- a. Assisting the “XXX” Manager with identifying export sensitive topics, and providing screening for material to be exported, if requested by the Project Manager,
- b. Providing guidance to project technical personnel on export sensitivity issues or questions

The Organizational Data Manager (ODM) shall be responsible for the following:

- a. Assuring that “XXX” project data activities are implemented in accordance with the requirements of the applicable Data Management Plan,
- b. Reviewing all data to be released to ensure that any sensitive, proprietary, or export-controlled data is appropriately identified and marked.

All “XXX” Project Exporters shall be responsible for the following:

- a. Achieving familiarity with the requirements of the “XXX” Export Control Plan and maintaining continuous cognizance of and sensitivity to export control,
- b. Participating in the annual training given by the Export Control Program Office, VS01,
- c. Providing the initial screening for the determination of requirement for export and the exportability with respect to project export guidelines,
- d. Implementing “XXX” export actions in strict accordance with project export control requirements,
- e. Working with their respective CERs, initiating the necessary forms/applications where required, and obtaining an export classification for the material intended for export,
- f. Referring unclear or questionable areas within the required export activity to the organizational CER, the Lead Systems Engineer, or the “XXX” Manager for resolution

4.2 Export Control Guidelines for "(your) Program / Project / Activity". The “XXX” Project receives their authority to export information and hardware from the (i.e.) NASA/ESA MOU and the MSRR-1 Project Letter of Agreement. The majority of information and hardware to be exported in support of the QMI activities may not require a license (e.g. is classified as “EAR 99, No License Required” item). To facilitate the successful accomplishment of day-to-

Program / Project/ Activity Organization		
Title: (Acronym) Export Control Plan	Document No.: MSFC-PLAN-???	Revision: Baseline
	Effective Date: MM/DD/YYYY	Page 9 of 16

day communications, the CER will establish a blanket ECIS to encompass the “non- sensitive” exchanges of information transmitted via telecons, e-mailing, and faxes or mailings of supporting documents. The blanket ECIS will be based on the restrictions and requirements established by this plan and will be established for a designated time period. Within that blanket authority, it will be the responsibility of the exporter to establish that his or her originated export does not violate the guidance on “sensitive” topics as defined in this Export Control Plan. Additionally, all paper transmittals shall be clearly marked in accordance with the exchange of goods and data clause. Constant awareness shall be exercised by all project personnel to prevent inadvertent transmittal of sensitive information. Guidelines are provided in Appendix D to assist project personnel in determining information that is to be considered sensitive.

4.3 Export Control Procedures. See Appendix A for overall flow of export control activities.

4.3.1 Data Management. The “XXX” ODM will review all baselined project data items to ensure that any data subject to export control is properly identified and appropriately marked. The marking shall include a stamp that requires the data to be used only in support of project activities, and prohibits distribution beyond the designated project team. The Office of Primary Responsibility (OPR) and the “XXX” Project Manager will concur in what data items should be under export control.

Also, where foreign participants are provided access to project data in MSFC/NASA computers, the responsible data managers shall verify that firewalls are in place to ensure that the foreign access is limited to the intended area(s) only

4.3.2 Data Export. The initial step in any data export action is the determination whether there is a need to transmit the data in order to achieve project objectives. This determination is the responsibility of the potential exporter. In case of doubt, the OPR management and/or the “XXX” Project Manager will assist in making this determination.

The second, and most important, step is the determination/screening of whether the data is exportable in accordance with the guidelines provided in paragraph 4.2 above. The fundamental responsibility for this determination rests with the data originator/OPR. If necessary, the exporter will consult with the OPR CER to establish an authoritative determination. If the document OPR cannot be identified, then the appropriate organization CER shall solicit a review of the contents from other technical disciplines in order to aid in the determination of its exportability.

If a mandatory export falls outside the authority provided by this plan and the blanket ECIS, then the exporter shall complete an ECIS and forward it to his/her organizational CER for an export classification, and determination whether an export license is required.

For day-to-day exports that do not violate the guidelines of paragraph 4.2 above and the blanket ECIS, transmittal can proceed freely without further review or approval, provided all paper transmittals are clearly marked in accordance with the exchange of goods and data clause of the

Program / Project/ Activity Organization		
Title: (Acronym) Export Control Plan	Document No.: MSFC-PLAN-???	Revision: Baseline
	Effective Date: MM/DD/YYYY	Page 10 of 16

international agreement. However, each exporter shall maintain a log, updated weekly, which will briefly document the nature of all verbal or written exports he or she has been engaged in during that period. Major meetings or teleconferences shall be documented in summary minutes by the sponsor of the activity.

All data package exports shall be reviewed by a screening team (to be defined by the “XXX” Project Manager) to assure that the transmittal of each data item is in fact essential to the accomplishment of the project, that the data items do not violate the “sensitivity” guidelines of this plan, and that released documents have been classified in accordance with the (i.e.)MSRR-1 Data Management Plan, and appropriately marked. All data packages will require the completion of an ECIS to be approved by the “XXX” Project Manager and the Organizational CER. This ECIS shall apply to the specific data items listed, transmittal to the designated recipients, and shall cover all activities related to the documents, any revisions to the documents, or required follow-up of that specific export action. The ECIS shall be filed by the exporter and CER to appropriately document the contents of the data package, and state a specific time limitation for authorized follow-up activities.

4.3.3 Shipping of Project Hardware. All hardware shipments shall follow the requirements outlined in MWI 6000.1. All such shipments will require the completion of an ECIS, which is to be approved by the “XXX” Project Office and Org. CER, and other normal paperwork associated with overseas shipments. An export license may or may not be required for such shipments. This is to be determined by the CER.

4.4 ECIS Classification and Licenses. Three types of ECISs are enabled by this plan:

- Blanket ECIS (as defined in section 4.2 of this document) – for Program/Project items not identified in Appendix D
- Limited Duration ECIS – for Program/Project items identified in Appendix D, or otherwise so designated by the project manager and exported to individuals identified in Appendix C
- Single Event ECIS – for items (e.g. Data Packages) which do not require a license, but which do not fall into one of the above two categories

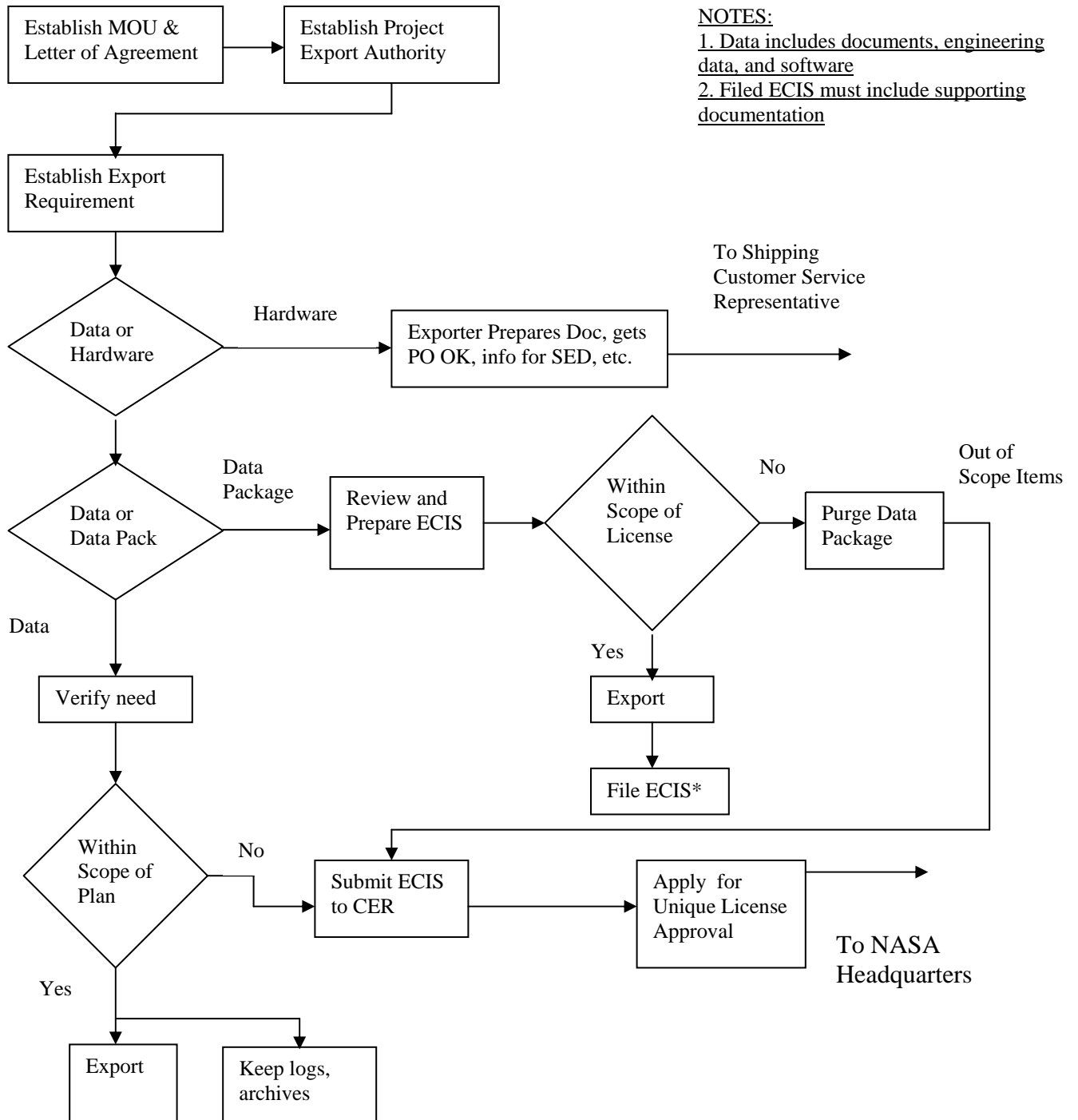
A license, if required, will be sought pursuant to MPG 2190.1

4.5 Documentation. The Project shall retain copies of all logs, ECISs, shipping paperwork, and related documentation. Export control documentation shall be considered to be part of the project’s quality records and is to be retained for five years per export control regulations

Program / Project/ Activity Organization		
Title: (Acronym) Export Control Plan	Document No.: MSFC-PLAN-???	Revision: Baseline
	Effective Date: MM/DD/YYYY	Page 11 of 16

APPENDIX A

(Your) Program/Project Export Control Flow Diagram



CHECK THE MASTER LIST VERIFY THAT THIS IS THE CORRECT VERSION BEFORE USE

Program / Project/ Activity Organization		
Title: (Acronym) Export Control Plan	Document No.: MSFC-PLAN-???	Revision: Baseline
	Effective Date: MM/DD/YYYY	Page 12 of 16

APPENDIX B

(Your) Planned Hardware, Software, and Data Exports

Hardware: (i.e.)

	<u>HARDWARE ITEM</u>	<u>DATE</u>
Ground Unit		1 st Quarter 2003

Data: (i.e.)

	<u>DATA ITEM</u>	<u>DATE</u>
Data submittals for MSL algorithm development		4 th Quarter 2001 through 3 rd Quarter 2003
RID response supporting data		CY 2001 through CY 2002
Safety data and presentation material for earlier safety reviews		3 rd Quarter 2002
Interface drawings and photographs		CY 2000 through CY 2003
Consent to ship Acceptance Data Package		3 rd Quarter 2002
Data submittals for MSL algorithm development		2 nd Quarter through 3 rd Quarter 2003
SACA interface Drawings and photographs		3 rd Quarter 2003
Verification data submittals		2 nd Quarter 2005
Accommodations Handbook		2 nd Quarter 2004
Integrated test reports		2 nd Quarter 2003

Program / Project/ Activity Organization		
Title: (Acronym) Export Control Plan	Document No.: MSFC-PLAN-???	Revision: Baseline
	Effective Date: MM/DD/YYYY	Page 13 of 16

APPENDIX C

Export Destinations

1. Name, Organization, Country (etc.).....

2. Name, Organization, Country (etc.).....

NOTE: The following lists will be periodically compared against the above named individuals to assure no common listings occur:

- Bureau of Export Administration's Listing of Entities of Concern
- List of Denied Parties
- Debarred Parties Listing
- Office of Foreign Assets Controls List of Specially Designated Nationals and Blocked Persons

Program / Project/ Activity Organization		
Title: (Acronym) Export Control Plan	Document No.: MSFC-PLAN-???	Revision: Baseline
	Effective Date: MM/DD/YYYY	Page 14 of 16

APPENDIX D

(Your) Program / Project Controlled Items [Applicable Export Control Classification Numbers (ECCNs) from the CCL are provided for reference.]

1. Hardware (i.e.)

- a. Detailed design/performance characteristics and technologies pertaining to state of the art electrical/electronic parts or components (e.g. 3A001, (components) 3D001, (software), 3D003, (CAD software), and 3E001 (technology))
- b. Application, detailed information and technologies pertaining to state of the art materials (e.g. 1A001 (components), and 1E001(technology))
- c. Application and design details of technologically unique or advanced design solutions

2. Test and Operations (i.e.)

- a. Design details of state of the art test/calibration equipment (e.g. 9B006 (Acoustic Test Equipment))
- b. Details of test and communications/control software design (e.g. 4D001 (software) and 9D001(software))

NOTE: This list of controlled items will be reviewed periodically by the CER, and updated, as necessary, to accommodate changes in the ITAR and EAR.

Program / Project/ Activity Organization		
Title: (Acronym) Export Control Plan	Document No.: MSFC-PLAN-???	Revision: Baseline
	Effective Date: MM/DD/YYYY	Page 15 of 16

APPENDIX E

Acronyms

CCL	Commerce Control List
CDR	Critical Design Review
CEA	Center Export Administrator
CER	Center Export Representative
EAR	Export Administration Regulations
EC	Experiment Carrier
ECIVU	Experiment Carrier Interface Verification Unit
ECCN	Export Control Classification Number
ECIS	Export Clearance Information Sheet
EM	Experiment Module
ESA	European Space Agency
ESTEC	European Space Research and Technology Center
IPL	Integrated Payload
ISPR	International Standard Payload Rack
ISS	International Space Station
ITAR	International Traffic in Arms Regulations
MI	Module Insert
MOU	Memorandum of Understanding
MPG	Marshall Procedures and Guidelines
MSAD	Microgravity Science & Applications Department
MSFC	Marshall Space Flight Center
MSRR-1	First Materials Science Research Rack
MTCR	Missile Technology Control Regime
MWI	Marshall Work Instruction
NASA	National Aeronautics and Space Administration
ODM	Organizational Data Manager
OPR	Office of Primary Responsibility
PDR	Preliminary Design Review
PO	Project Office
QMI	Quench Module Insert
SACA	Sample Ampoule Cartridge Assembly
SED	Shippers Export Declaration
SPD	Space Products Development
SSP	Space Station Program
USML	United States Munitions List

Program/Project Name OPR Org Code		
Title:	Document No.:	Revision:
		Page of X

NOTE: My Thanks to Monica Hammond, Ouench Module Insert (QMI) Manager who's extremely well written Export Control Plan I used to fashion this template. This template may or may not cover all your activities. It may be added to or subtracted from based on your requirements. It is not meant to be used as a substitute for a genuine understanding of your export control responsibilities. Please don't just fill in the "(Your) Program/Project / Activity" inserted here or the "XXX" acronym inserted here without understanding what you are attesting to. It is offered more as a help in "generic formatting" a plan whose discrete elements i.e., shipping, faxing, hardware etc. are as required and described in detail in MPG 2190.1 "MSFC Export Control Program". These are the significant elements that constitute a well written plan that should cover all your contingencies.

For help or questions contact:

George M. Kozub
Export Control Program, VS01
544-2131